

PATENT
Serial No. 09/995,467
Amendment in Reply to Final Office Action of July 20, 2005

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

By means of the present amendment, claims 1-6 and 1-14 have been amended to change spelling of certain words from British English to American English, as well as correct other informalities. The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

In the Office Action, claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO 93/17531 (Sicher) in view of U.S. Patent No. 5,095,535 (Freeburg). In response, independent claims 1, 3, and 13 have been amended to include a feature of claim 5 which has been amended for conformance to the amended claim 1. Accordingly, no new issues have been introduced that require a new search, and thus entry of the present amendment is respectfully requested. It is respectfully submitted that claims 1-14 are patentable over Sicher and Freeburg for at least the following reasons.

Sicher is directed to a mobile radio telephone system that

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realizes call priority, where higher quality channels are assigned to a priority call. As noted by the Examiner on page 4 of the Office Action in rejecting claim 5, Sicher discloses on page 1, line 29 to page 2, line 1:

Call priority may be describe as handling a call differently from similarly situated calls so as to perceptible increase the quality of service of that call as compared to the other calls.
(Emphasis added).

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 3 and 13, requires:

said data categorization means being adapted to assign different categories to different segments of the set of data from an application
(Emphasis added)

This feature is nowhere taught or suggested in Sicher. This provides substantial benefits and higher granularity in selecting particular segments instead of the entire set of data. Thus, communication efficiency is increased, such as achieving proper (e.g., error free) reception while using optimum power and thus conserving battery life.

An illustrative example is set forth on page 6, lines 11-18 of the present application:

As a typical example, a stream of data from a voice codec could have coded bits assigned to a range of classes depending on their level of

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importance. The most important bits could be transmitted via the highest quality paths 112, while the less important bits could use lower quality radio paths 112. (Emphasis added)

Sicher does not disclose or suggest such a data categorization means adapted to assign different categories to different segments of the set of data from an application. Freeburg is cited to show path characterization means and does not remedy the deficiency in Sicher.

Accordingly, it is respectfully submitted that claims 1, 3 and 13 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-12 and 14 should also be allowed at least based on dependence from independent claims 1, 3 and 13, as well as for the separately patentable elements contained in each of the dependent claims.

It is respectfully submitted that dependent claims 4 and 7-9 also include patentable subject matter. In particular, claim 4 requires:

data for transmission may be provided from a plurality of sources and in that the data categorisation means is adapted to assign said data quality category depending on the source of the data (Emphasis added)

This feature is nowhere taught or suggest in Sicher and Freeburg, alone or in combination. Page 14, lines 6-23 of Sicher, cited on page 4 of the Office Action in rejecting claim 4 is

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concerned with different channels, not different sources for the data, as recited in claim 4. Sicher and Freeburg, or combination thereof, do not teach or suggest providing data from different sources, let alone assigning data quality category depending on the source of the data, as recited in claim 4.

Claim 7 recites:

parameter selection means are provided for setting at least one transmission parameter relating to the data depending on at least one of the path (or paths) assigned for transmission of the data and the data quality category assigned to the data (Emphasis added)

Again page 14, lines 6-23 of Sicher is cited on page 4 of the Office Action in rejecting claim 7. This section of Sicher is concerned with selecting different channels, not setting a transmission parameter, as recited in claim 7, which is further defined in claims 8-9 as being the type of error control coding added to the data, or a modulation scheme to be used for transmission of the data, respectively. These features are nowhere taught or suggest in Sicher, Freeburg, or combination thereof.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations

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including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101